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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,139	08/04/2000	Yoshinori Ojima	000977	1363

23850 7590 08/05/2002

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EXAMINER

LAM, THANH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/633,139**

Applicant(s)  
**Ojima et al.**

Examiner  
**Thanh Lam**

Art Unit  
**2834**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 7/17/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, and 9-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### **DETAILED ACTION**

1. The request filed on 7/17/2002 for a "RCE" under 37 CFR 1.53(d) based on parent Application No. 09/633,139 is acceptable and a "RCE" has been established. An action on the "RCE" follows.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5, 7, and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagayama et al. in view of Takura above, and further in view of Naito et al.

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Nagayama et al. disclose a gas transfer machine for transferring a gas including a corrosive gas, comprising: a pump rotor (2) mounted on a rotatable shaft (2a) for transferring a gas including a corrosive gas; a reluctance-type motor for rotating said rotatable shaft about its own axis directly coupled thereto, said pump rotor and said motor being disposed in a housing; a motor stator having magnetic poles, said stator being covered by synthetic resin material (12) having a surface positioned radially inwardly of an inner circumferential surface of said stator, which is highly resistant to corrosion; wherein said salient poles of the motor rotor are attracted to rotate by magnetic forces generated by said poles of said stator.

Takura discloses a motor rotor having salient poles (4a-ac), each of said salient poles being a protrusion portion of unitary formed rotating body, each of said salient poles having a permanent magnet (14) enclosed within said protrusion portion of said unitary formed rotating body.

Naito et al. disclose rotor poles made of metal magnetic material (col. 14, lines 1-4) which is highly resistant to corrosion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the stator of Nagayama et al. combine with the salient poles with permanent magnet rotor disclosed by Takura and modify the poles of takura by making the metal magnetic material as taught by Naito et al. in order to improve the rotor against corrosive.

Regarding claims 2 and 12, Nagayma et al. disclose said stator is embedded in a molded body of said resin material.

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Regarding claims 3 and 13, Nagayma et al. disclose said resin material comprises a can of synthetic resin or nonconductive material.

Regarding claims 4 and 14, Naito et al. disclose said metal magnetic material comprises a magnetic alloy of iron and nickel (col. 14, lines 1-4).

Regarding claims 5 and 15, Naito et al. disclose said metal magnetic material comprises permalloy.

Regarding claims 7 and 17, Nagayma et al. disclose said resin material highly resistant to corrosion comprises a can of synthetic resin or nonconductive material.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.



Thanh Lam

Patent Examiner

Aug. 01, 2002